

the Pure Food Law. Serial No. 26497. The Nectar Co., Sole Agents for U. S. and Canada." "Champion Extra Dry." "Extra Dry." The label on the bottles also contained a pictorial representation of a seal or coat of arms.

Misbranding of the product was alleged in the libel for the reason that each of the bottles was labeled as set forth above, which said statement upon the label on each of the bottles and the statements, designs, and devices upon the labels aforesaid attached to each of the bottles were false and misleading in that the labels purported to state that the article of food was a champagne, whereas, in truth and in fact, the product, to wit, the wine called "Extra Dry Champion," was not a champagne but an artificially carbonated product. Misbranding was alleged for the further reason that the statements, designs, and devices upon the labels aforesaid misled and deceived the purchaser into the belief that the article of food was a champagne, whereas, in truth and in fact, the article, to wit, the wine called "Extra Dry Champion," was not a champagne but was an artificially carbonated product. Misbranding was alleged for the further reason that the statements, designs, and devices upon the labels attached to each of the bottles were false and misleading, in that said labels purported to state that the article of food was a champagne, whereas, in truth and in fact, the article, to wit, the wine called "Extra Dry Champion," was not a champagne but was an artificially carbonated product, and was an imitation wine or beverage known as champagne.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after the removal of all labels appearing thereon, and the placing on each of the bottles, in lieu of the labels so removed, a label bearing the words "Artificially Carbonated Wine" and no other words.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3164. Adulteration and misbranding of wine. U. S. v. 13 Cases of Wine. Default decree of forfeiture, condemnation, and destruction. (F. & D. No. 5305. S. No. 1899.)

On August 15, 1913, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases, each containing 12 bottles of wine, remaining unsold in the original unbroken packages and in possession of the Rendlen Liquor Co., Hannibal, Mo., alleging that the product had been shipped on or about April 11, 1913, and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Scuppernong Bouquet Delaware Scuppernong Blend." (On bottles) "Scuppernong Bouquet Wine—Delaware and Scuppernong Blend ameliorated with sugar solution (Trade-mark registered) The Sweet Valley Wine Co., Sandusky, Ohio." (Neck label) "Serial No. 124 Guaranteed by The Sweet Valley Wine Co. Serial No. 124—Under the Food and Drugs Act June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine as said labels state and indicaté, but, on the contrary thereof, a substance consisting wholly or in part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a certain substance, consisting wholly or in large part of a mixture or base of wines,

which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that said product consisted wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, contained practically no Scuppernong wine, and said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Scuppernong wine; and, further, in that the labels on the cases and bottles, to wit, "Scuppernong Bouquet," would deceive and mislead the purchaser thereof into the belief that the product was Scuppernong wine, whereas, in truth and in fact, it was not Scuppernong wine, but was a mixture of other wines; and, further, in that said labels were descriptive of the substance contained in said bottles and cases, and were false and misleading in that said product was not Scuppernong wine.

On December 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3165. Adulteration and misbranding of Scuppernong wine. U. S. v. 5 Cases of Alleged Scuppernong Wine. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5309. S. No. 1900.)

On August 15, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 12 bottles of alleged Scuppernong wine, remaining unsold in the original unbroken packages upon the premises of the Bischoff & Czech Co., Chicago, Ill., alleging that the product had been shipped on July 17, 1913, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Delaware and Scuppernong Blend Ameliorated with Sugar Solution. Scuppernong Bouquet Wine The Sweet Valley Wine Co. Sandusky, O. Guaranteed by The Sweet Valley Wine Co. Serial No. 124, under the Food & Drugs Act, June 30, 1906." The label also contained pictorial representations and other illustrations.

Adulteration of the product was alleged in the libel for the reason that a certain product made in whole or in part from another wine or wines of [or (?)] base wines sweetened and mixed in imitation of Scuppernong wine had been added and mixed with the article of food aforesaid, and had been substituted wholly or in part for the article of food aforesaid so as to reduce, and lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the product was labeled as set forth above, which said statement contained in the label upon each of the bottles deceived and misled the purchaser into the belief that the article of food was Scuppernong bouquet wine, whereas, in truth and in fact, it was not Scuppernong bouquet wine, but contained a product made in whole or in part from other wine or wines of [or (?)] base wines, sweetened and mixed in imitation of Scuppernong wine, which had been substituted wholly or in part for the article of food aforesaid. Misbranding was alleged for the further reason that said statements contained in the label upon each of the bottles were false and misleading, in that said statements represented to the purchaser that the article of food was Scuppernong bouquet wine, whereas, in truth and in fact, it was not Scuppernong bouquet wine, but